IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.511 OF 2006

In

CRIMINAL APPEAL NO.217 OF 2006

Hitesh Dada Borge : Applicant

(Orig.Accused No.2)

V/s.

State of Maharashtra : Respondent

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Mrs.Jyoti Pawar i/b. Ms Shraddha Y. Mohite for the applicant.

Mrs.V.R.Bhosale, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 10, 2006.

P.C.

1. Heard the learned counsel for the applicant (original accused No.2), who has filed this application for bail.

2. In all, there were seven accused before the trial Court and three of them were convicted under section 302 read with section 34 of the Indian Penal Code. The present application is moved by accused No.2.

3. The name of the victim was one Ashok Madanlal Gupta. The F.I.R. is against unknown persons. Two witnesses were examined by the prosecution. One of them has

assigned or attributed a role to this accused No.2 and the role was throwing of stones on the bonnet of the car in which the deceased was travelling. No other role is attributed to accused No.2. The other witness does not say anything about this accused. There is no mention of any incriminating circumstance against this accused. In spite of the best efforts, the learned Addl. Public Prosecutor could not point out any incriminating or strong circumstance against the present accused on the basis of which his prayer for bail can be rejected.

4. Therefore, we allow this application. The substantive sentence is suspended pending the appeal. Fine, if any, to be paid before his release on bail. The applicant (original Accused No.2) be released on bail on P.R. bond of Rs.10,000/- (Rupees Ten Thousand only) with one or two sureties in the like amount. The applicant-accused shall attend the concerned police station once a month, in the first week of every month, till the appeal is disposed of.

5. The Criminal Application is disposed of in the above terms.

D.G. DESHPANDE, J.

S.A. BOBDE, J.